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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,842	07/24/2003	Luigi Nalini	7221	9549

7590 07/13/2005

SHLESINGER, ARKWRIGHT & GARVEY LLP  
PATENT, TRADEMARK & COPYRIGHT LAW  
3000 SOUTH EADS STREET  
ARLINGTON, VA 22202

EXAMINER

NGUYEN, DINH Q

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/625,842	<b>Applicant(s)</b> NALINI, LUIGI	
	<b>Examiner</b> Dinh Q. Nguyen	<b>Art Unit</b> 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
     4a) Of the above claim(s) 3,4,14-17 and 19-23 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1,2,5-13 and 18 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/03 &amp; 2/04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 3, 4, 19-23 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/06/05. However, claims 14-17 recite a lip 44, which is disclosed in figure 7 to a non-elected Species. Therefore, claims 14-17 have been withdrawn from further consideration. The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 10, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kofford (U.S. Patent No. 2,850,326).

Kofford discloses an airless atomizing nozzle comprising: a tubular body 17 with a first face, a cylindrical member 19 with a second face, a cylindrical delivery channel with a tapered inlet (not numbered), and a pin 28 with a target area 30 (see figure 3).

4. Claims 1, 6, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Munk et al.

Munk et al discloses an airless atomizing nozzle comprising: a tubular body 51 with a first face, a cylindrical member 61 with a second face, a cylindrical delivery channel 62 with a tapered inlet (not numbered), a pin 67 with a target area 74, and an inwardly projecting first shoulder 57 (see figure 7).

5. Claims 1, 2, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Mee (U.S. Patent No. 3,894,691).

Mee discloses an airless atomizing nozzle comprising: a tubular stainless steel body 13 with a first face, a cylindrical member 22 with a second face flushes with the first face, a cylindrical delivery channel with a tapered inlet (not numbered), a U pin 17 with a target area 21 (see figure 8).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 7-9, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kofford or Munk et al. or Mee in view of Watanabe et al.

Kofford or Munk et al. or Mee teaches all the limitations of the claims except for a borosilicate glass member, and an UV curable adhesive. However, Watanabe et al. discloses a glass orifice plate (see column 2, lines 12+) with an UV curable adhesive coating. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Kofford or Munk et al. or Mee with a borosilicate glass member, and an UV curable adhesive as suggested by Watanabe. Doing so would provide a better device.

With respect to claim 8, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the

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device of Kofford or Munk et al. or Mee with a stainless steel pin for use in an airless nozzle in order to take advantage of the corrosion resistant properties.

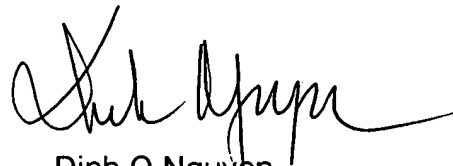
***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to show the art with respect to an airless atomizing nozzle: Cline, and Elkas.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dinh Q. Nguyen  
Primary Examiner  
Art Unit 3752